

# *CITY COUNCIL*

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## ***Committee of the Whole***

**Monday, January 28, 2013**

**Council Office**

**5:00 pm**

**Agenda**

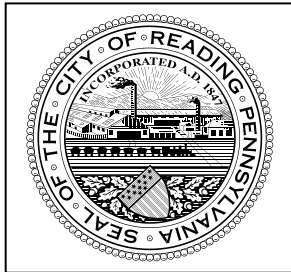
*Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.*

*All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No.27-2012*

**I. Review Main Street Application (L. Agudo & C. Broad)**

**II. Laureldale IMA (C. Snyder)**

**III. Agenda Review**



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

**MINUTES**  
**January 14, 2013**  
**5:00 P.M.**

**COUNCIL MEMBERS PRESENT:**

D. Sterner, S. Marmarou, D. Reed, M. Goodman-Hinnershitz, R. Corcoran, F. Acosta, J. Waltman

**OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, J. London, L. Agudo, C. Broad

The Committee of the Whole meeting was called to order at 5:03 pm by Council President Acosta.

**I. Crime Summit**

Mr. Acosta stated that at the beginning of the planning process the City played a larger role in the Summit. He stated that the County has taken control and is setting the agenda for the Summit and inviting participants. He stated that the Summit will be composed of two groups – a work group and an observer group – to avoid Sunshine Law issues.

Mr. Bembenick and Mr. Zale arrived at this time.

Mr. Acosta explained that he and Mr. Spencer are members of the working group. He stated that Dr. Purcell, Reading School District Superintendent, has been added to the working group. He stated that the observer group will consist of other members of Council, other elected officials and community leaders. He stressed the need to arrive at the Crowne Plaza at 1:30 pm as the meeting will begin at 2 pm and be closed to the public.

Mr. Younger arrived at this time.

Ms. Reed noted the need to RSVP to Commissioner Leinbach and that an invitation must be shown for admittance.

Mr. Acosta noted his preference that at least 3 Council members sit at the table. This would still avoid the Sunshine Law.

Mr. Marmarou noted that he would like to attend but that he may be unable to stay until its completion. Mr. Acosta noted that this would not be problematic.

Mr. Cituk arrived at this time.

## **II. Review Main Street Application**

Mr. Broad stated that he is giving a progress report. He stated that ordinance amendments to DID and Main Street are necessary. He stated that a resolution of Council is needed to move the project forward.

Mr. Spencer arrived at this time.

Mr. Spencer stated that several of his initiatives deal with downtown. He stated that he told Mr. Agudo to show progress on this initiative within six months of his arrival. He stated that the State is guiding Reading through the application process and that several meetings have been held with the PA Downtown Center.

Mr. Spencer stated that five Main Street committees have been organized around the Main Street requirements and initiatives. He also noted that DID received over 700 responses to a d survey about the downtown. He stated that the Main Street committees are now working on a mission statement, a vision statement and a five year plan. He noted the need for Council support to move this initiative forward.

Mr. Spencer explained that presentations have been made to the Chamber and the Community Foundation as their support is also needed. He noted that presentations will also be made to downtown banks, the Latino Chamber and several others.

Mr. Spencer explained that the Main Street area cannot be too large. He stated that the State has suggested the reducing the size of the originally proposed area to increase the visible results within the first five years of the program. He noted the need to

incorporate current viable businesses within the area. He stated that the Community Foundation requested to be added to the area.

Mr. Acosta requested that this presentation not be a repeat of the one made to the Housing Committee. Ms. Reed stated that those in the Open Government Committee have not heard the presentation.

Mr. Broad noted his hope that Council passes the resolution at their January 28 meeting as the application is due by January 31. He stated that all Main Street committees met at RACC on January 11 to work on the mission and vision statements and the five year plan. He stated that there have been suggested changes to the focus area which are outlined in the packet distributed this evening.

Mr. Broad stated that he received 723 responses to the survey on the downtown and that this is more than double the rate of all other municipalities who have applied for the Main St designation. He stated that the red results indicate negative issues. He stated that he views the negative input as issues to address and correct within the first five years. He noted the need to change the perspective about Reading's downtown.

Mr. Broad explained that amendments to the DID legislation, the Main St legislation, and a resolution supporting the application are needed. He stated that the resolution is necessary as part of the application packet which is due on January 31.

Mr. Broad explained that Ms. London and Mr. Younger drafted the legislation and stated that they are available for questions.

Mr. Acosta noted the need for further information for Council members of the Open Government Committee. He noted the need for this presentation to take place shortly due to the January 31<sup>st</sup> deadline.

Ms. Goodman-Hinnershitz suggested scheduling this as a work session item. She noted the need for all stakeholders to be involved in the downtown initiatives. She noted the need for downtown workers to have a strong presence in the application process.

Ms. Kelleher stated that there are already two lengthy presentations scheduled for the January work session and suggested the January 28<sup>th</sup> COW instead.

Mr. Marmarou questioned the small Main Street area. Mr. Spencer explained that the area was reduced based on the recommendation of the PA Downtown Center

Mr. Marmarou noted that downtown workers will stay in the immediate area.

Ms. Reed stated that communication is necessary with the Penn Corridor.

Mr. Spencer stated that there is no vote before Council this evening. He stated that meetings with different groups will continue. He stated that West Reading and Wyomissing are already moving forward with the Penn Corridor. Reading must begin moving forward as well. He stated that the City will also explore the Elm St program for areas that adjoin the Main Street area.

Ms. Reed stated that State funding of Main St and Elm St programs has been reduced. Mr. Spencer stated that the City could receive \$2 million for the Main St program.

Mr. Acosta suggested that Rep. Caltagirone be involved in the process to increase the possible funding.

Mr. Spencer stated that the Community Foundation has been briefed as their assistance may be needed for matching grant funds.

Mr. Broad stated that the Main Street area can be expanded after five years. He stated that results are less visible if the area is too large.

Mr. Acosta suggested that the presentation take place at the January 28 Committee of the Whole.

Mr. Broad explained that the resolution supporting the application is the only legislation that must be addressed at the January 28 meeting. He stated that the other legislation can wait to address Council concerns.

Mr. Sterner stated that there have been many downtown initiatives in the past. He noted his hope that this initiative be successful.

Mr. Corcoran stated that the State's review of the application makes it appear that funding is certain.

Ms. Reed stated that \$2 million is not guaranteed funding.

### **III. Trash and Recycling Billing**

Mr. Acosta stated that there are members of Council who are concerned about the billing situation. He stated that there are rumors that actions have been taken by the Administration. He requested an update on the status.

Mr. Bembenick stated that this item has not moved forward. He stated that the City is still performing this billing and that they continue to examine options. He stated that there has been no commitment to RAWA and that Council will receive updates when the issue moves forward.

Mr. Waltman noted the need to clarify that Council not only needs to be updated but that their approval is needed before any action can be taken. Mr. Bembenick stated that he will defer this conversation until the return of Ms. Snyder.

Mr. Waltman noted the need to be clear on this issue. He stated that a contract this size cannot move forward without Council approval. He noted that this is very important to understand.

Mr. Corcoran questioned if Mr. Bembenick has examined the collection rate of RAWA versus the collection rate of the City. He stated that this is also very important information. Mr. Bembenick stated that he will provide this information.

Ms. Goodman-Hinnershitz noted her concern with the process. She noted the need for this project to move forward without leveraging Council. She stated that this is a large change of mission for RAWA.

Mr. Waltman questioned if data has been given to RAWA regarding this billing. Mr. Bembenick stated that it has not.

Mr. Spencer suggested that Council voice their concerns to Ms. Snyder or Mr. Bembenick. He stated that Council has been looking at billing issues for many years. He stated that the Administration is looking at the feasibility of this billing option. He cautioned Council that new State law may remove RAWA revenue at the end of 2014.

Mr. Waltman suggested a separate discussion of this possibility to review the legislation and its impact.

Mr. Corcoran questioned the need to amend the position ordinance as the CSC positions may not be transferred to RAWA. Mr. Spencer stated that the positions remain temporarily. Mr. Bembenick explained that the employees remain as they are

working on the amnesty program. He stated that this program may be extended through March.

Mr. Acosta stated that realistically, the billing issue will not be resolved by March. He stated that the last agreement amendment took 2 ½ months to complete. He stated that he will support the billing change only if it is feasible. He noted the need to study how the change will affect the City's cash flow. He stated that employees should not be let go unless the City is sure about making the change.

Mr. Bembenick stated that if the amnesty program is extended through the end of March, the employees will remain into April to complete processing. He stated that the duties of the CSC may also be addressed to keep the employees. He stated that the 2013 budget does not have much flexibility.

Mr. Acosta noted the need for the City to be accountable to its citizens for increased spending.

Mr. Spencer reminded Council that the 2013 budget contains the savings from having RAWA process trash and recycling billing. He stated that it also reduced salary expenses. Mr. Bembenick explained that savings are in the postage and operational costs.

Mr. Waltman stated that the City has often budgeted for programs which do not begin.

Mr. Spencer stated that Council has been looking at consolidated billing for many years. He stated that his Administration is trying to move this issue forward.

Mr. Cituk stated that he has cautioned that many items on one bill may decrease citizen's ability to pay. He stated that cash flow for the City is better if these items are billed monthly but that citizens may struggle. He noted the need to investigate delinquency collection.

Mr. Spencer agreed with Mr. Cituk. He noted that the City continues to have a structural deficit and that it must maintain its cash flow. He noted the need for residents to understand the change in the billing.

Ms. Goodman-Hinnershitz agreed with bill consolidation but noted the need for the program to be logical. She noted the need to weigh the pros and cons and the people's ability to pay.

Mr. Acosta noted the need for Council to understand what RAWA wants and how to make the process work. He stated that an agreement which is beneficial to the City is needed.

Mr. Waltman stated that his concern remains with the need for an amendment to the Recovery Plan. He stated that it will become increasingly difficult to plan for the future without the amendment.

The Committee of the Whole meeting moved to the Penn Room.

#### **IV. SAFER Grant Presentation**

Chief Hollinger, Mr. Lloyd and eight members of IAFF joined the meeting at this time.

Chief Hollinger stated that the City was awarded the SAFER Grant on December 20. The grant is through FEMA and the Department of Homeland Security. He stated that there are many stakeholders to be considered and that the grant would be used to supplement current staff.

Chief Hollinger stated that the City's SAFER grant applications in 2010 and 2011 were rejected as there was not a large enough need demonstrated. He stated that the City must now officially accept the award and hire additional personnel by March 9. He explained that 10 current staff will DROP by December 31, 2015. He also stated that a new contract will be negotiated by January 2016. The grant award is for \$4,006,650 and can be used for personnel costs only. He stated that this will fund up to 30 people and that the IAFF approves of the grant acceptance.

Chief Hollinger explained that it will cost approximately \$250,000 to equip the new personnel. These costs are not covered by the SAFER Grant but the City is working to locate other grant funds available to cover these costs.

Chief Hollinger explained that hiring an additional 30 personnel will decrease overtime costs and allow the City to bring on a 4<sup>th</sup> medic unit. It will also allow the City to increase the manning levels to acceptable standards; four firefighters per truck rather than two per truck. He noted that the funding will also enable adding staff in the Fire Marshal's office which will allow the expansion of annual inspections and provide more assistance in the investigation area.

Chief Hollinger explained that a waiver from FEMA is needed to allow the City not to replace personnel due to retirements. He explained that there are currently 116 firefighters. The grant would allow the hiring of 30 to bring the number to 146. He



stated that there will be three DROPs in 2014 and there will be 136 active firefighters in the department at the end of 2015.

Chief Hollinger explained that he does not support the current manning level as it is unsafe. He stated that eight new positions would add the 4<sup>th</sup> medic unit (which will be revenue neutral) and four positions will allow the Fire Marshal to begin the "Inspector" program, as previously described.

Chief Hollinger noted his concern about the sustainability of the positions at the end of the grant program. He noted his work to make the additional positions revenue neutral.

Mr. Acosta thanked Chief Hollinger and the Department for taking the initiative with the grant application. He stated that the award of the grant is great news but noted that the sustainability of the positions is the main issue at this time.

Chief Hollinger explained that there is a current civil service list and that hiring can be accomplished fairly quickly. He noted the need to accept or reject the grant by next week.

Mr. Waltman noted the budget outlook. He noted the need for Council to know the net costs moving forward. He noted the difficulty Council will have with long-term planning without an amendment to the Recovery Plan. He noted the need for a review of the effects on the budget.

Mr. Bembenick stated that the award is for approximately \$4 million. He stated that 2013 costs for start-up are approximately \$260,000. He stated that the 2014 costs will be covered by the grant. He suggested that the hiring process contain an agreement with the new hires that there may be a term limit. He stated that 2015 costs will be covered entirely. He reminded Council that the City will be facing a \$9.5 million deficit in 2015 without the cost of additional personnel. He estimated the cost in 2015 will be \$840,000.

Mr. Bembenick stated that Council needs to have this perspective when deciding to accept the grant. He noted the difficulty the City faces in 2015 and that the ramifications must be explored now.

Mr. Marmarou stated that 10 will DROP. He questioned if other retirements may occur. Chief Hollinger stated that there is no guarantee that others will retire.

Chief Hollinger explained that the spending of the \$4 million depends on the actual cost of salaries and benefits. He stated that an overestimate will allow the funding to last further into 2015 but an underestimation will cause the funding to stop sooner.

Mr. Sterner stated that there is a probable layoff at the end of the grant period unless there is a large financial improvement. He noted that the City would then also incur unemployment costs.

Ms. Goodman-Hinnershitz stated that the City has encountered this situation in the past. She stated that it is good to look at the sustainability of the positions now. She suggested that the addition of the medic unit needs further study. She stated that regulations must be reviewed to determine the best use of the medic unit for critical services only. She noted the need for EMS to respond to priority runs only.

Ms. Reed agreed with Mr. Sterner that layoffs at the end of the grant are probable. She stated that Council can reallocate funds during budget discussions. She stated that if layoffs occur overtime costs will be incurred in addition to unemployment costs.

Mr. Cituk questioned if the grant award was reviewed with PFM. He noted the need for their support of the acceptance. He stated that the position ordinance and 2013 budget will need to be amended for the addition of personnel.

Mr. Spencer stated that if Council supports accepting the grant, this legislation will be brought forward.

Mr. Waltman stated that there are no requirements to hold the personnel after the end of the grant. He stated that this is a good opportunity as there will be 10 DROPs and possible other retirements. In addition the 4<sup>th</sup> medic unit is viewed as being revenue neutral. He stated that it is possible that fewer layoffs would occur than the current estimate. He expressed the belief that the grant should be accepted.

Mr. Marmarou stated that he has often expressed that he would rather hire additional personnel than continue to pay for overtime.

Mr. Sterner questioned the time frame to bring the additional personnel on board. Chief Hollinger stated that the training period is 5 – 6 months long. Mr. Sterner stated that the first round would then be operational for 18 months. Chief Hollinger agreed.

Mr. Waltman requested a pro forma statement for the new hires and their costs. He requested that costs for retirees and separations also be included. He stated that there are some costs which should also be included which are not financial.

Mr. Acosta questioned if there would be problems with recruiting. Chief Hollinger stated that there would not as there is a current civil service list. He stated that some employees may not remain based on other situations besides retirements. He stated that the grant funds must be used for salaries and benefits. He noted his hope to maintain the 30 positions.

Mr. Sterner requested that the pro forma information also include overtime cost comparisons if the grant is accepted. Chief Hollinger stated that he can supply this information but that injuries are unknown. He stated that new personnel cannot take sick time for six months after hire and no vacation until one year after hire.

A representative of IAFF stated that IAFF has been part of the process. He stated that IAFF hopes that there are no layoffs at the end of the grant and that grant funding can be obtained to sustain the positions.

Mr. Marmarou questioned if new hires can be required to be City residents. Chief Hollinger stated that this requirement cannot be implemented as this is a federal grant. He stated that veterans' preference is given during the Civil Service process.

Mr. Acosta questioned setting overall hiring requirements. Chief Hollinger suggested that Council speak with the Civil Service Boards.

Mr. Sterner questioned minority recruiting. He stated that the City may face legal problems depending on the new hires.

Mr. Acosta stated that Latinos are not the only minority group that needs to be added to the Fire Department. He stated that the City cannot control who participates in the hiring process but that lawsuits remain as a possibility.

IAFF President Michael Shoumlisky stated that notification of the last round of testing was advertised nationally. He stated that minority recruiting occurs but that the City does not control who begins the process. He stated that the last test was given to approximately 400 people and only a handful was minority related.

Mr. Acosta stated that this is a lifestyle and that he admires them for what they do. He agreed that minority recruiting is difficult.

Mr. Waltman requested that the pro forma include 2016 costs including overtime and retiree replacement. He stated that this way Council will have a better idea of the long term impact.

Mr. Acosta requested that the pro forma information, the final budget numbers and the Administration's recommendation be submitted to Council by the end of this week.

Mr. Bembenick clarified that the residency requirement cannot be implemented on a federal grant.

Mr. Acosta noted the need to look at the residency requirement overall moving forward on all hiring.

The meeting returned to the City Clerk's office.

## **V. Agenda Review**

Mr. Jones arrived at this time.

Mr. Acosta stated that last minute additions to agendas are not best practice and moving forward additions after the agenda packets are compiled will not be accepted. He stated that a resolution approving an RACP for the hotel project and police hiring will be added to the consent agenda. He stated that last minute additions do not allow time for thorough discussions.

Council reviewed this evening's agenda including the following:

- Resolution regarding 912 Amity St conditional use

Ms. Kelleher stated that the inspections are complete. She stated that improvements were made without permits. The permits must be obtained by the owner and some work must be corrected prior to approval by the Chief Building Official.

Mr. Acosta suggested that the resolution be tabled until the permits are obtained. Ms. Kelleher explained that Council has 45 days from the date of the hearing to issue their decision. She stated that if action is not taken this evening that the request is deemed approved.

Mr. Acosta suggested approving the conditional use but adding a condition that the permit not be issued until inspections are conducted. Mr. Waltman stated that this language is already included.

Ms. Goodman-Hinnershitz stated that this is another example of residents doing work without permits.

Mr. Acosta suggested that permits must be acquired before the zoning permit is issued.

Mr. Waltman suggested that the owner get the required trades permits before zoning is issued. He noted the need to follow the trades permit process.

Mr. Sterner stated that approving this conditional use is rewarding another resident for doing work without permits.

Mr. Marmarou stated that the garage door replacement will not be a simple project.

After a brief discussion, the majority of Council concluded the permit will be denied. They will reconsider the property in the future when all processes are followed and complete.

Mr. Spencer questioned how this issue came to Council. Ms. Kelleher stated that it was a conditional use hearing.

- Resolution appointing Deb Hoag to the RATS Technical Committee

Mr. Acosta stated that Council received a memo from Ms. Snyder and Mr. Jones supporting Ms. Hoag for the appointment.

Mr. Jones explained that he currently serves on this committee but that the City has a second position which has been unfilled for some time. He stated that the Administration supports the appointment of Ms. Hoag to fill this second position.

Mr. Acosta stated that he attended a recent RATS meeting. He stated that the members are very committed. He stated that he did not realize that Berks contained so many bridges. He stated that there was very serious discussion.

- Resolution appealing the decision of the Zoning Hearing Board regarding 1611 N 15<sup>th</sup> St

Mr. Marmarou requested that this be added to this evening's agenda.

Mr. Acosta stated that the student home was approved with the condition that the current owner remains living next door. He stated that this will be difficult to enforce and that the students are already living in this property.

Ms. Kelleher stated that there are four speakers registered for this evening on non-agenda topics.

The Committee of the Whole meeting adjourned at approximately 6:52 pm.

*Respectfully Submitted by  
Linda A. Kelleher, CMC, City Clerk*

**RESOLUTION NO. \_\_\_\_\_ 2013**

**RECOGNITION AND SUPPORT OF REVITALIZATION STRATEGY  
FOR OBTAINING MAIN STREET PENNSYLVANIA DESIGNATION**

**The City of Reading City Council hereby resolves as follows:**

WHEREAS, the City of Reading City Council recognizes that there is a significant need for continued reinvestment and revitalization of this community in Reading, Pennsylvania and has made a commitment to improve the economy, appearance, and image of their traditional downtown business district; and

WHEREAS, the City of Reading will implement a comprehensive five- year revitalization strategy as established by the Mayor's Main Street Task Force, utilizing the Main Street Five-Point Approach to strengthen the economic potential of the historic downtown and neighborhood business district,

NOW, THEREFORE BE IT RESOLVED THAT, the City of Reading City Council authorizes and supports the endeavor of the Downtown Improvement District and the Mayor's Task Force to seek, by application and award, the Main Street designation by the Department of Economic and Community Development of the State of Pennsylvania, with a five-year revitalization strategy that will drive the improvements for the Main Street area and authorizes the Downtown Improvement District to administer the Main Street program and take any action required to ensure the success of the designation; and

BE IT FURTHER RESOLVED THAT, the Mayor of the City of Reading, as the chief elected executive official, endorses this Resolution, thereby indicating his approval thereof; and

BE IT FURTHER RESOLVED THAT, copies of this Resolution be sent to the Department of Economic and Community Development of the State of Pennsylvania Downtown Pennsylvania Program.

Adopted by Council on \_\_\_\_\_, 2013

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President of Council

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ATTEST:

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City Clerk

I, Linda A. Kelleher, City Clerk of the City of Reading, PA., do hereby certify that the foregoing is a true and correct copy of the original Resolution adopted by City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2013 A.D. Witnessed by my hand and seal of the City on this \_\_\_\_\_ day of \_\_\_\_\_, 2013 A.D.

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City Clerk